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JIM GARRISON'S GUIDE TO THE ASSASSINATION OF JOHN F. KENNEDY

New Orleans' Jim Garrison has taken heat since 1967 for claiming conspiracy in the death of JFK. Now, thanks to film maker Oliver Stone, he is about to take the prize.

Sort of.

We are in a screening room atop the Westin Hotel in New Orleans. It is July 1991 and Oliver Stone is in town filming his latest assault on Establishment sensibilities, a movie entitled "JFK" whose premise is that we do not yet know the truth about the assassination of President John F. Kennedy in Dallas on November 22, 1963.

Stone has already shot the Dallas scenes. He has brought his company to New Orleans because "JFK" is based on the work of Jim Garrison, today at 70 a retired Louisiana appeals—court judge but Orleans Parish's young and aggressive district attorney at the time of the JFK murder and already almost famous for his unprecedented fight to clean up Bourbon Street. His fame became instantly international in 1967 when he claimed to have evidence of conspiracy in the JFK hit. And to know who the conspirators were.

From that time on, for better and for worse, Jim Garrison's

career and the case of the JFK assassination have been forever fused - a fact that "JFK," the movie, is about to carve in Stone.

The lights dim and the small screen flickers awake. The klack board reads, "JFK, scene 30," then snaps shut and pulls back to reveal the scene.

We are in a cell in the Dallas County Jail. It is June 1964, seven and a half months after Dealey Plaza.

The prisoner is Jack Ruby, a stocky, nervous middle-aged man whom the whole world watched murder accused JFK assassin Lee Harvey Oswald on live TV two days after Oswald's arrest.

Facing Ruby across a table, erect and somber in a black suit, sits Earl Warren, the Chief Justice of the Supreme Court and the reluctant chairman of The President's Commission on the Assassination of President Kennedy. Behind Warren stands a row of lawmen, stiff and motionless in silhouette.

It is a tense moment. Ruby has insisted on testifying even though no one wants him to, least of all Warren himself. Warren is hurrying to wrap up this doleful job, write his report blaming the shootings on inconsequential madmen, and get past it. And now that Warren has, despite this, agreed to hear Ruby, all Ruby seems able to say is that he can't talk. "Do you understand that I cannot tell the truth here," he says, "in Dallas? That there are people here who do not want me to tell the truth?"

But Warren only says, "Mr. Ruby, I really can't see why you can't tell us now."

Ruby's desperation is palpable. "If I am eliminated," he

says, "there won't be any way of knowing." He waits for a reaction, but Warren seems a genius at not getting on Ruby's wavelength. He does not ask, "Knowing what?"

Finally, exasperated, Ruby blurts it out: "A whole new form of government is going to take over our country," he says, "and I know I won't live to see you another time. My life is in danger here. Do I sound screwy?"

And Warren's voice comes in its most mournful basso, the words lingered over, tasted, given all their weight: "Well, I don't know what can be done, Mr. Ruby. Because I don't know what you anticipate we will encounter."

Now the camera turns more closely on the heavy solemn figure of Warren, and for a moment it almost <u>is</u> Warren, the right age, the right look of stolid pride.

But it isn't Earl Warren at all, of course. It's Jim Garrison. Not Kevin Costner, who plays the part of Garrison in this film, but Garrison himself, the <u>real</u> Garrison, all six and a half feet of him, Jim Garrison of New Orleans. No soul in all creation stands more opposed to Warren on the question of what happened in Dallas than does Garrison, the embattled nay-sayer of New Orleans, who was one of the first to hold that JFK was felled by a powerful conspiracy, that the same conspiracy acted through Jack Ruby to kill Oswald and thus prevent a trial, and that the commission to which Warren gave his name was the front line of the most serious cover-up in American history.

"Warren must have spun madly in his grave," mused a smiling

Garrison the next afternoon as we talked about this scene. "I can only hope the afterlife has sharpened his taste for irony."

Yet Stone was not just indulging his own taste for irony in casting Garrison in this role. "Between adversaries," Stone told me, "there can sometimes be great respect." Had Stone not seen in Garrison that faculty of respect for the adversary, his stunning casting move could easily have backfired. Let Garrison's portrayal of Warren seem the least vindictive and the entire movie could come out looking like a cheap shot.

Garrison lifted his long legs and his size fifteens off the footstool and leaned forward with delight in his eyes.

"I'll swear I never said it," he chuckled in his soft New Orleans drawl, "but I think it was a minor stroke of genius for Oliver to offer me this role. The great thing about it is that the screenplay uses Warren's words. And the more I studied them, the more I could see that Warren had developed such empathy with Ruby that he couldn't control himself completely. Although I've never forgiven Warren for what he did, he was a basically warm human being. You could tell he felt sorry for Ruby even as he evaded him. And in that final line, he told him more than he intended to. He confessed his own weakness."

His smile brightened. "And I think I was just the actor to bring this out. If Warren could see it, I think he'd smile."

Garrison's enactment of Warren seems a perfect summation of a career that has been to an uncommon degree shaped by irony, by

a relationship with the mass media predicated on equal parts of mutual need and mutual rejection. "JFK" is based on Garrison's 1988 memoir, On the Trail of the Assassins (Sheridan Square Press). This in itself is satisfying to Garrison. He finds it satisfying in a whole other way to see himself portrayed by an actor as convincing and warm as Kevin Costner in a movie by a director with the artistry and drive of Oliver Stone. And there is some money in this for Garrison, too, so the satisfaction goes beyond the intangibles of vindication.

But the silver lining comes with a dark cloud. The mere news that Stone was making this movie was enough to reawaken the media furies that have bedeviled Garrison at every step along the trail since he first joined the great hunt for the JFK conspiracy in 1966.

As early as last May, when Stone had barely begun production, Chicago Tribune columnist Jon Margolis angrily assured his readers that "JFK" was going to be not just a bad movie but an evil one, "morally repugnant," because it treated sympathetically Garrison's "bizarre" idea that a conspiracy killed JFK and that federal agents were probably involved. Then George Lardner of the Washington Post entered the fray with two long diatribes in which he grudgingly admitted that "a probable conspiracy took place" but insisted that this was "not an acknowledgment that Garrison's investigation was anything but a

Jon Margolis, "JFK Movie and Book Attempt to Rewrite History," <u>Chicago Tribune</u>, May 14, 1991.

fraud." Then came <u>Time</u> magazine to dismiss Garrison's ideas as "known to be far-fetched." "Outlandish," "silly,"
"preposterous" sniffed a line of other writers.

A man less confident of his vision might have been shaken, but Garrison has long since become inured. "Being attacked with such vehemence from so many sides and for such a variety of reasons, I admit, is not conclusive proof that one is right," he says with a smile and a little shrug. "But surely it goes a long way."

The controversy that rages around the Hon. Jim Garrison is set off against the fact that he started out so all-American. He was born in 1921 to a tall family of lawyers in Dennison, Iowa, who soon moved to New Orleans. At 19 in 1940 he joined the U.S. Army and in 1942 was commissioned a lieutenant in the field artillery. He volunteered for flight training and spent the war on the European front flying light airplanes, "grasshoppers," on low-level and often dangerous spotter missions for the artillery. He saw combat in France and Germany. He was present at the liberation of Dachau.

George Lardner, "On the Set: Dallas in Wonderland," Washington Post, May 19, 1991; and "...Or Just a Sloppy Mess?", Washington Post, June 2, 1991.

 $^{^{3}}$ Richard Zoglin, "More Shots in Dealey Plaza," $\underline{\text{Time}}$, June 10, 1991.

Editorial, "Zachary Taylor, R.I.P.," <u>Boston Globe</u>, July 1, 1991. Charles Krauthammer, "Taylor poisoning flap shows America's silly love of conspiracies," <u>Boston Herald</u>, July 7, 1991.

He came back to New Orleans, won law degrees at Tulane, and got a job with the FBI, which sent him to Seattle to check out the loyalty of defense employees, a job he soon found "greatly boring." He left the FBI and returned to New Orleans to work first in the district attorney's office and then in private practice as a trial lawyer. He ran for a judgeship in 1960 and lost, but then got into a public quarrel with Mayor Victor Schiro, whom he accused of "laxity in law enforcement," and District Attorney Richard Dowling, whom he called "the Great Emancipator" because he "lets everyone go free."

This was the first burst of controversy in his career, and it immediately propelled him into a higher orbit. He campaigned for D.A. in 1961 without the backing of the Democratic Party and without a big war chest, but with the strong support of both blacks and blue-collar whites, a unique coalition in the South of the early '60s. "To my surprise and the astonishment of many others," he says, "I was elected."

He moved immediately to make good on his election promises.

"If this entailed raising the level of confrontation," he
recalls, "my attitude was, well, let the good times roll." He
shut down organized gambling and prostitution, made Bourbon
Street safe for tourists, challenged police corruption,
appointed a black assistant D.A., and criticized eight criminal

Joachim Joesten, <u>The Garrison Enquiry</u>, Peter Dawnay, Ltd., London, 1967, p. 19. Jim Garrison, <u>On the Trail of the Assassins</u>, Sheridan Square Press, New York, 1988,p. 10.

⁶ Garrison, pp 10-11.

court judges for refusing to approve funds for his fight against racketeering. The judges sued him for defamation of character and won a judgment of \$1000; but he appealed, arguing that elected judges were not exempt from public criticism. He won a reversal.7

Jim Garrison was on the map.

So was Fidel Castro.

Castro overthrew Cuban dictator Fulgencio Batista and took power in 1959. He soon announced a Communist program. Cubans opposed to his government began flocking into Miami and New Orleans. Many of them formed into counter-revolutionary organizations with such names as Alpha 66, the Cuban Revolutionary Council, Free Cuba, the Cuban Expeditionary Force and the Cuban Brigade. All were sponsored by the CIA.

Their aim was to reverse Castro's revolution. This was the objective of their major military assault, Operation Zapata, organized by the CIA and the U.S. military. The world came to know Operation Zapata better, after the fact, as the Bay of Pigs Fiasco of April 1961. This attempted invasion failed to inspire

⁷ Garrison, p. 128.

John Ranelagh, The Agency: The Rise and Decline of the CIA, Simon and Schuster, New York, 1986, pp 402-4, 521. Jim Marrs, Crossfire: The Plot that Killed Kennedy, Carroll and Graf, New York, 1989, pp 149-54.

^{*} Luis Aguilar, ed., <u>Operation Zapata: The "Ultrasensitive"</u>
Report and Testimony of the Board of Inquiry on the Bay of <u>Piqs</u>
[the "Taylor Report"], University Publications of America,
Fredericksburg, Md., 1981.

the mass uprising that was its major strategic premise. The Zapata guerrillas were pinned down on their beachhead without being able to declare a provisional government. Instead of sending in direct U.S. military support, JFK opted to cut his losses, standing by as the invasion force was captured, then paying a humiliating ransom to rescue the prisoners. An angry self-pity soon gripped the anti-Castro militants and their U.S. supporters. They blamed Operation Zapata's failure on Kennedy. He had put them on the beach, then fled.

Then JFK betrayed them again, as they saw it, in October 1962 when the U-2 spy plane discovered Soviet missile bases under construction in Cuba. In the year and a half since the Bay of Pigs, the CIA had helped the exiles stage a series of commando raids against a variety of Cuban targets. But in the secret deal that ended the Missile Crisis with the dismantling of the Soviet bases, JFK promised that this activity would end.

This change deeply affected an ultra-rightwing acquaintance of Garrison's named W. Guy Banister, a key player in the anti-Castro games of New Orleans. Banister served in the Office of Naval Intelligence during World War II and after the war joined the FBI, rising to the top of its Chicago bureau. He left the FBI to become deputy superintendent of police in New Orleans, then resigned in 1962 to set up a private detective agency.10

In 1962 at the time of the October Missile Crisis, Banister

John H. Davis, Mafia Kingfish: Carlos Marcello and the Assassination of John F. Kennedy, McGraw Hill, New York, 1989, p. 305.

was involved in running a CIA training camp for anti-Castro Cuban guerrillas on Lake Pontchartrain just north of New Orleans. When the resolution of the Missile Crisis produced the new ban on guerrilla actions against Cuba, this camp and its sister camps in the Florida Everglades and on No Name Key ought to have been closed. They remained in operation, however, at least until they were raided by the FBI in April 1963.

Garrison had no idea at the time that Banister was involved in these activities. "His surfacing in anti-Castro operations," he told me, "was all to follow." But Garrison did know that Banister was not just another gumshoe for hire. "Well before I knew the meaning of it," he says, "probably sometime in 1962, several government men came down to New Orleans to meet with Banister over a matter of several days. Soon after that he resigned his position with the police to go into the private detective business."

Guy Banister Associates, Inc., hung out its shingle, according to Garrison, "across the street from the building that housed the local offices of the CIA and the FBI. And across from that building was the New Orleans headquarters of Operation Mongoose." Operation Mongoose was the over-all term for an array of anti-Castro projects being run out of the CIA, the Defense Department and the State Department under the coordination of Air Force General Edward Lansdale. Its CIA component, called "Task Force W," was dedicated to the assassination of Castro. Its most ultra-secret aspect was the fact that the CIA had contracted

these murders out to the Mafia. This was all very illegal — both the assassination project as such and, still more so, the hiring of Mafia goons to do it.

Operation Mongoose headquarters in New Orleans was the meeting place for Cuban exiles coming in from Florida. "They were sleeping in the hallways," says Garrison.

Banister's key associate in these anti-Castro operations was a peculiar man named David Ferrie. Ferrie was an ace pilot, a kitchen-sink scientist, an omnivorous reader in the arcane, a well-known denizen of the New Orleans gay scene, a militant activist against Castro and a great hater of JFK. His homosexuality had cost him his pilot's job at Eastern Airlines, but he had flown several clandestine flights into Castro's Cuba and was part of the training staff at the Lake Pontchartrain guerrilla camp. A rare chronic disease (alopecia praecox) having taken all his hair, he created a wig out of mohair plucked from a couch and drew on his eyebrows with a grease pencil. He worked out of Banister's office, but he was also associated with G. Wray Gill, a lawyer who worked for Carlos Marcello, the Mafia godfather of New Orleans. Ferrie is thought to have flown Marcello back into the United States after Marcello's deportation by RFK in 1961. On the day of JFK's murder, Ferrie was with Marcello in a New Orleans court as Marcello won a verdict against RFK's effort to deport him again. 11

Garrison, Davis, passim. Report of the Select Committee on Assassinations, U.S. House of Representatives, 95th Congress, "Findings and Recommendations," pp 142-47.

But far stranger still among Banister's associates in the summer of 1963 was the young ex-Marine named Lee Harvey Oswald.

On first look, Oswald seems a creature of contradictions.

On closer look, the contradictions become complexities.

There was, on the one hand, the patriotic Oswald, a true-blue if emotionally mixed-up American kid raised in and around New Orleans, New York City, and Fort Worth by his widowed mother as best she could with the help here and there of Aunt Lillian and Uncle Dutz Murret - Dutz a bookie in the Marcello gambling net. The patriotic Oswald, as a teen-ager in New Orleans, joined the local Civil Air Patrol and there ran into David Ferrie, its commander in 1955.20

This Oswald, the patriotic one, tried at the age of 16 to join the Marines, was refused for being underage, went home and memorized the Marine Corps manual, and came back to try again, this time succeeding, as soon as he reached the legal age of 17 in October 1956.

The patriotic Oswald served his three years ably, rated "very competent" and "brighter than most" by his officers. The Marines cleared him for access to the performance characteristics of the top-secret U-2. They took him into a program of Russian-language training and instruction in the basics of Marxism-

G. Robert Blakey and Richard Billings, The Plot to Kill the President, Times Books, New York, 1981, pp 345 ff.

Anthony Summers, <u>Conspiracy</u>, Paragon House, New York, 1989, p. 117.

Leninism, as though he were being prepared for intelligence work of some kind. Indeed, a Navy intelligence operative named Gerry Hemming had thought already in 1959 that Oswald was "some type of agent." The Assassinations Committee noted that "the question of Oswald's possible affiliation with military intelligence could not be fully resolved."

On the other hand, there was Oswald the traitor. During his last month in the Marines, rather than awaiting the normal mustering out process, the traitor-to-be applied for a hardship discharge for no good reason (citing a minor and already-healed injury to his mother's hand), then hot-footed it to the Soviet Union.

But after a year and a half of Soviet Communism, the traitor recanted. Now with a pregnant Russian wife in tow, he returned to the United States, explaining in a written statement that "The Soviets have committed crimes unsurpassed even by their early day capitalist counterparts." 27

So now was he a good patriot again? No, now he announced himself a member of the Communist Party and became the founding and only member of the New Orleans chapter of the Fair Play for Cuba Committee, twice passing out pro-Castro leaflets in the

Philip H. Melanson, <u>Spy Saga: Lee Harvey Oswald and U.S. Intelligence</u>, Praeger, New York, 1990, p. 3. Summers, p. 146.

¹⁵ Summers, pp 146, 268.

¹⁶ HSCA Report, p. 224.

¹⁷ Blakey and Billings, p. 348.

streets of New Orleans.

And yet at the same time, the traitor's frequent companion that summer in New Orleans was the militant anti-Communist David Ferrie, with whom he joined in loud public condemnations of Castro and JFK.¹⁸ During this same period, Oswald also spent time with Banister. He stamped Banister's office address on his pro-Castro leaflets and stored his extra copies in Banister's office. Twice he and Banister visited the campus of Louisiana State University and made themselves conspicuous in discussions with students in which their main theme was that JFK was a traitor. Not once during this time did Oswald associate with anyone actually sympathetic to Castro.¹⁷

So now he's a traitor again? Well, go figure. He left New Orleans on September 25, 1963, and on the next day in Mexico City, according to the Warren reconstruction, registered as O.H. Lee at the Hotel Comercio, a meeting place for anti-Castro Cuban exiles. He spent the next several days trying to get visas for travel to Cuba and the Soviet Union and in the process got into a quarter-hour-long row with a Cuban consular official. 21

The CIA had the Soviets and Cubans staked out and therefore was later able to produce several photos of Oswald taken at these sites plus tapes of several phone conversations between a man

¹⁸ Davis, p. 13.

¹⁹ Davis, p. 132.

eo Summers, p. 345.

⁼¹ Summers, p. 346.

calling himself Oswald and a Soviet embassy official. Problem with the photos: they showed a large, powerfully-built man in his mid-30s not in the least resembling Oswald. Problem with the tapes: the CIA destroyed them, and the transcriptions showed garbled Russian whereas Oswald's Russian was considered fluent. Problem with the row with the Cuban official: interviewed by the Assassinations Committee in 1978, the official said his Oswald was not the same as the man who was arrested in Dallas.

All of which lent a certain credibility to Oswald's claim, after the events of November 22, that he had not gone to Mexico City at all. Garrison was convinced in 1967 (as are many students of the case today) that this claim was truthful.

"Oswald never was in Mexico City," he says. "No possible way. We found evidence of one impostor after another." The evidence of Oswald impersonation poses a fatal problem for the official theory of the assassination since it is circumstantial proof of conspiracy.

There is also abundant evidence that Oswald was impersonated often and quite apart from the alleged Mexico City trip.

Item: An FBI memo dated January 3, 1960 noted that "there is a possibility that an imposter is using Oswald's birth certificate."

Robert J. Groden and Harrison Edward Livingstone, <u>High</u>
<u>Treason: The Assassination of John F. Kennedy: What Really</u>
<u>Happened</u>, Conservatory Press, Baltimore, 1989, p. 304. Summers, p. 349.

²³ Melanson, p. 114.

Union.

Item: Two salesmen at the Bolton Ford dealership in New Orleans were visited on January 20, 1961, by a "Lee Oswald" in the company of a powerfully-built Latin man. Oswald was looking for a deal on 10 pickup trucks needed by the Friends of Democratic Cuba. On this date, Oswald was in the Soviet Union.

Item: On September 25, 1963, a man calling himself "Harvey Oswald" showed up in the Selective Service Office in Austin to request help in getting his discharge upgraded from undesirable. On this date, Oswald was supposedly in transit to Mexico City.

Item: A highly credible Cuban exile, Sylvia Odio, told the Warren Commission that she and her sister were visited in Dallas by Oswald and two other men recruiting support for the anti-Castro cause. On the date of this encounter, the Warren Commission placed Oswald either in New Orleans or en route to Mexico.

Item: On November 1, 1963, a man later identified by three witnesses as Oswald entered a gun shop in Fort Worth and made a rude nuisance of himself while buying ammunition. The Warren Commission had evidence that Oswald was at work in Dallas that day. =7

Item: On November 9, 1963, when Warren Commission evidence

E4 Garrison, pp 57-59.

Melanson, p. 106.

Blakey and Billings, p. 163.

Melanson, p. 108.

placed Oswald at home in Irving, Texas, a man calling himself "Lee Oswald" walked into a Lincoln-Mercury showroom in Dallas and asked to take a car for a test spin. The salesman found the ride unforgettable in that Oswald reached speeds of 85 mph while delivering a harangue about capitalist credit and the superiority of the Soviet system. Oswald in fact did not know how to drive a car.==

Curiouser and curiouser, this Oswald who was all over the map and all over the political spectrum, in Dallas and Fort Worth and Austin and Irving and Mexico City all at once, here a radical and there a reactionary. What to make of this man?

"This question became a very practical one for me," says Garrison, "on the day the president was killed and Oswald's picture was flashed around the world. As his resume filled in over the next day and we found that he'd spent that summer in New Orleans, it became my duty as D.A. to see what we could find out about him."

Garrison soon discovered Oswald's ties to Ferrie. He brought Ferrie in for questioning on Monday the 26th, the day after Ruby murdered Oswald, then turned Ferrie over to the FBI for further questioning. "In those days," Garrison recalls, "I still believed in the FBI. They questioned Ferrie, found him clean, and released him with a strange statement to the effect that they wouldn't have arrested him in the first place, that it

Melanson, p. 107.

was all my idea. Then they put a secret stamp on their 40-page interrogation report. But what did I know? I had burglaries and armed robberies to worry about. I went back to the real world. I was happy to do so."

Garrison's happy life in the real world came to an end for good about three years later. He at first saw no problem when the Warren Report was published in September, 1964, holding that Oswald was a lone nut and Ruby another one. "Warren was a great judge and, one thought, wholly honest." Here and there a few spoilsports - Mark Lane, Edward Jay Epstein, Harold Weisberg, Penn Jones, Sylvia Meagher, Josiah Thompson - were discovering problems with Warren's double lone-nut thesis, but Garrison was inclined with most Americans to go along with it. "It seemed the easiest position to take," he says, "especially since the war in Vietnam was getting nasty and Americans of critical spirit were now more caught up in the mysteries of Saigon than those of Dealey Plaza."

Garrison also had a reelection campaign to take care of in 1965. He was running against one of the judges he had battled over investigating organized crime. He won by nearly a two to one margin. He was 44. His career was going swimmingly. He was happily married. He had three kids to dote on (and two more to follow). He had no need for wild goose chases.

Then in 1966 came a fateful chance meeting with Louisiana's Senator Russell Long. The conversation turned to the Kennedy

case. Long astounded Garrison by saying, "Those fellows on the Warren Commission were dead wrong. There's no way in the world that one man could have shot Jack Kennedy up that way."

Garrison immediately ordered the Warren Report plus the 26 volumes of its hearings and exhibits. He plunged in, dedicating his evenings and weekends to the case.

He expected to find "a professional investigation," he says, but "found nothing of the sort. There were promising leads everywhere that were never followed up, contradictions in the lone-assassin theory that were never resolved."

In particular, he was troubled by evidence;

--that shots were fired from the so-called grassy knoll to
the front and right of JFK as well as from behind.

--that the maximum number of shots the alleged murder weapon
could have fired was inadequate to account for the total
number of bullet holes found in Kennedy and Texas Governor
John Connally (who barely survived) unless one of the
bullets was magically capable of changing its direction in
mid-flight.

-- that nitrate tests performed on Oswald when he was arrested proved that he had not fired a rifle in the previous 24 hours.

--that Oswald appeared to have been trained as an intelligence agent in the Marines, which implied that his awkward display of sympathy for Communism was phony.

²⁹ Garrison, p. 13.

Any one of these possibilities, Garrison realized, was enough all by itself to reduce the lone-Oswald theory to ruins.

"I was stunned," he says. "There were nights I couldn't sleep."

Finally, on November 11, 1966, as he puts it, "I bit the magic bullet." Basing his jurisdiction on the fact of Oswald's 1963 summer in New Orleans, he secretly opened up a new investigation of the president's murder.

Of the four New Orleaneans of primary interest to Garrison, the most interesting of all was Oswald himself, since Oswald had in a sense become Garrison's client. But he was dead. Next most interesting was Guy Banister, clearly at the center of New Orleans' anti-Castro scene. But Banister was dead, too: of a heart attack in 1964.

Third came David Ferrie, quite alive in 1966 and therefore the one to start with. Garrison's investigators started pulling together the portrait of Ferrie as a strange but talented and impassioned anti-Communist, a soldier of fortune of the far right whose relationship with the reputedly pro-Communist Oswald during the summer of 1963 therefore posed a question crucial to the clarification of Oswald's purposes, namely, as Garrison puts it, "What the hell were these guys doing together?"

By reconstructing the 1963 relationship of Oswald with Ferrie and Banister, Garrison hoped finally to make sense of the bundle of contractions that was Oswald. But he never got a chance to do a proper job of it.

A bright young reporter for the <u>New Drleans States-Item</u>,
Rosemary James, was routinely nosing through the D.A.'s budget in
February 1967 when she noticed some unusual expenses. Garrison's
men had spent some \$8,000 over the previous three months on trips
to Texas and Florida. What ever could they be up to? A few deft
questions later and she had the story.

"D.A. Here Launches Full JFK Death Plot Probe," said the headline on the February 17 States-Item. "Mysterious Trips Cost Large Sums." James's lead ran, "The Orleans Parish district attorney's office has launched an intensive investigation into the circumstances surrounding the assassination of President John F. Kennedy."

In the ensuing pandemonium, Garrison found himself under enormous pressure from city hall and the media. He felt he had begun to build a strong conspiracy case against Ferrie in that Ferrie clearly hated JFK and clearly had a tie to Oswald, but that it was still not time to arrest him. His staff had met to debate this very question, the timing of Ferrie's arrest, when word came that Ferrie had been found dead in his apartment, killed by a burst aneurysm at the base of his brain. The coroner ruled the death natural, but Garrison saw indications of suicide: an empty bottle of Proloid, a medicine that, taken by the handful, could have jerked Ferrie's hypertense metabolism over the red line, so plus two typewritten and unsigned suicide notes. Others sensed foul play: Ferrie's gums were badly bruised, as

So Garrison, p. 142.

though the medicine might have been forced down him; and oddly, the door to Ferrie's apartment was found locked from the outside.

Within a few hours came a report that Ferrie's militant anti-Communist comrade, Eladio del Valle, had been found in a car in Miami shot point blank through the heart and with his head hatcheted open. 31

Now what? The stage was filled with enough dead bodies for the last act of an Elizabethan tragedy, and both of Garrison's key suspects lay among them. Just one other was left.

Clay Shaw, born in 1913, was one of New Orleans' best known and most impressive citizens, a charming, richly cultivated and cosmopolitan businessman, a much-decorated Army officer during World War II detailed to the OSS, see and a founder and director of the International Trade Mart, a company specializing in commercial expositions. Shaw had retired in 1965 to pursue interests in the arts, playwrighting and restoration of the French Quarter, where he lived. He was a silver-haired handsome bon vivant with high cheekbones, a ruddy complexion and an imposing six foot four frame.

And Garrison had come to believe that he was part of the JFK conspiracy. Research had turned up indications that Shaw was the mysterious "Clay Bertrand" who had phoned New Orleans attorney Dean Andrews on the day of the JFK hit to see if Andrews could

³¹ Summers, p. 49.

se Marrs, p. 498.

arrange legal representation for Oswald. Garrison had found that Shaw had a double life in the New Orleans gay community and that Shaw was a friend of Ferrie's, who had been his pilot on at least one round trip to Montreal. Garrison had a witness, Perry Russo, who claimed to have been present when Ferrie, Shaw and Oswald discussed the possibility of assassinating JFK.

More important, the D.A.'s investigator Andrew Sciambra had discovered a group of witnesses in Clinton, a rural town in southern Louisiana, where dozens of people saw Oswald on two different occasions in early September 1963, once as a passenger in a battered old car driven by a young woman and later in a shiny black Cadillac with two other men in it who waited for hours while Oswald, the only white in a long line of blacks, tried unsuccessfully to register to vote. Five Clinton witnesses testified that the men with Oswald were David Ferrie and Clay Shaw. The local marshal, curious about strange Cadillacs in town, traced the license plate to the International Trade Mart. He talked to the driver and later, at the trial, identified him as Shaw.³⁹⁴

Garrison knew that such fragments hardly added up to an airtight conspiracy case. When I asked him if he was surprised to lose, he said, "Not really. I'm too good a trial lawyer. So why did I go to trial against Clay Shaw? Because I knew that

³³ Garrison, p. 124.

Garrison, pp 105-8. James Kirkwood, American Grotesque, Simon and Schuster, New York, 1967, pp 213-17.

somehow I had stumbled across the big toe of someone who was involved in one of the biggest crimes in history. And I was not about to become the person who did that and then let go and said, oh, I might be violating a regulation."

Looking back, does he think this was an error?

"If it was an error, then it was an error that I was obliged to make."

But Garrison did not leap blindly into the prosecution of one of New Orleans' leading citizens. He first presented his evidence to a panel of three judges. They told him he had a case. Then he presented the evidence to a 12-member grand jury. The grand jury ruled too that there was sufficient evidence to try Shaw. And at that point the decision was out of Garrison's hands: the law required him to proceed. Shaw's lawyers then went all the way to the Supreme Court with an argument that the case should be thrown out, and they lost. After the trial, Shaw acquittal, he filed a \$5 million damages suit against Garrison for wrongful prosecution; the Supreme Court dismissed it.

But Garrison's case ran into many strange problems. One of his assistants stole the entire file on Shaw and turned it over to Shaw's attorneys. An FBI agent with detailed knowledge of anti-Castro projects in New Orleans refused to testify for the prosecution, pleading executive privilege. The U.S. Attorney in Washington refused to serve Garrison's subpoena on Allen Dulles, CIA chief at the time of the Bay of Pigs and thus in a position to clarify the relationship between Ferrie, Banister, Shaw and

the CIA. The governors of Ohio, Nebraska, Texas and California refused to honor Garrison's requests for the extradition of important witnesses. A federal agent told Garrison privately that Ferrie, Shaw and Banister were involved in handling Oswald but refused to testify. The A witness critical for establishing that Shaw used the alias Clay Bertrand, a key issue, was not allowed to present his evidence.

Some of these difficulties might trace back to the fact that, as later became known, both Shaw and Ferrie were contract agents of the CIA. This was revealed in 1974 when a former aide to CIA Director Richard Helms, Victor Marchetti, published his account of hearing Helms wonder aloud if the CIA was giving Shaw and Ferrie "all the help they need."

Without this knowledge, the jury got the case on March 1, 1969, two years to the day after Shaw's arrest, and took a little less than an hour to conclude unanimously that Shaw was not guilty of conspiring to kill JFK. In post-trial interviews, the jurors said Garrison convinced them that a JFK conspiracy existed but not that Shaw had been a part of it. The Garrison who two years previously had promised, "We are going to win this case, and everyone who bets against us is going to lose his money," ""

⁹⁵ Garrison, pp 178-86.

⁹⁶ Garrison, p. 242.

yictor Marchetti and John Marks, The CIA and the Cult of Intelligence, Knopf, New York, 1974.

³⁸ Jim Garrison Interview, Playboy, October, 1967.

could now sit down for a long slow chew.

It didn't hurt him at the polls. He swept on in the elections of 1969 to his most lop-sided victory ever.

But the story wasn't over.

Garrison had just risen from his breakfast and was still in his pajamas and robe when the doorbell rang, and there stood a posse of IRS men. They were there to arrest him on a charge of allowing payoffs on pinball gambling in exchange for a bribe.

This was June 30, 1971. About two years later, in August 1973, the trial was held, Garrison arguing his own case (with the donated help of F. Lee Bailey). His self-defense revolved around one powerful basic point, namely, that the government's star witness against him, his former wartime buddy and colleague, Pershing Gervais, had been bribed by the government to make the accusation. In proof of this, Garrison cited a devastating exchange between Gervais and journalist Rosemary James - the same James who, six years before, had broken the story of his secret JFK probe.

In this taped interview, televised in May 1972, James asks Gervais if there is any truth to the story that he was "forced to work for the government?" Gervais answers, "But more than that, I was forced to lie for them, that's a better description." The reason, Gervais explains, is that the government "wanted Jim Garrison." James asks him what he means. He says, "They wanted to silence Jim Garrison. That was their primary objective."

James can hardly believe her ears. She says, "Well, now, are you saying that you participated in a deliberate frame-up?" And Gervais answers, "A total, complete political frame-up, absolutely." She says, "What you are saying explicitly is that the government's total case against Jim Garrison is a fraud?" And Gervais says: "No question about it. Anything founded and based purely on politics can't be anything but fraud." James asks: "It's a whole lie?" And Gervais answers: "The entire thing."

Garrison was easily acquitted of the pinball bribery charge as well as a follow-up charge of tax evasion the government pressed against him in 1974.40 He says of the experience, "A thing like that can be enjoyable if you have a cause and you're wrapped up in it. I'd say it was one of the high spots of my life. It was nothing to feel sorry about. I never went to bed with tears on my pillow."

But another kind of attack on Garrison developed around this time, most often in the work of other conspiracy theorists who began to ask: Why did Garrison say nothing about Mafia involvement in the JFK hit? There were mobsters all over Jack Ruby. The New Orleans godfather, Carlos Marcello, was right in Garrison's back yard. A Marcello lawyer worked with Ferrie. Ferrie was with Marcello the day JFK was shot. Yet Garrison

Jim Garrison, <u>Closing Argument</u>, September 25, 1973, folio, pp 45-47. Partly quoted in Garrison, <u>Trail</u>, pp 269-70.

⁴⁰ Garrison, p. 271.

seemed to ignore all this.

The charge is raised by writers (notably G. Robert Blakey and John H. Davis) who champion a Mafia-did-it theory of the crime and who themselves waste little ink on the evidence pointing to renegade federal agents. But the fact is that Garrison's position on Mafia involvement anticipated exactly the 1979 report of the Assassinations Committee (Blakey its chief counsel), which stated that "the national syndicate of organized crime, as a group, was not involved in the assassination."41 As for the presence of individual mobsters, Garrison was among the first to see it. An FBI memo of March 28, 1967, reported that "Garrison plans to indict Carlos Marcello in the Kennedy assassination conspiracy because Garrison believes Marcello is tied up in some way with Jack Ruby."42 According to another FBI memo, June 10, 1967, "District Attorney Garrison believes that organized crime was responsible for the assassination," the memo going on to explain Garrison's fear that the Mafia wanted to blame the crime on Castro and thus spark a U.S. retaliation that could have led to restoration of the Mafia's control of Cuban casinos.49

More recently, Garrison has written that "mob-related individuals do figure in the scenario."44 After all, the CIA and

⁴¹ HSCA Report, p. 1.

⁴² Davis, p. 326.

⁴⁹ Davis, pp 326-27.

⁴⁴ Garrison, p. 287.

the Mafia shared an interest in Castro's overthrow, as is evident in their murderous alliance of Task Force W.

But Garrison does not believe that the Mafia could have set Oswald up, changed the route of the motorcade, controlled the investigation of the crime, and influenced the conclusions reached by the Warren Commission. "The CIA hired the Mafia," he points out, "not the other way around. If Carlos Marcello had killed JFK on his own, he would never have gotten away with it."

The merits of the CIA-vs-Mafia debate aside, however, this was not a great time for Garrison. He lost a close race in the next election, and so in 1974 left the DA's office for the first time in 12 years. He spent the next few years in what he calls his "interregnum," a period of relative quiet in which he wrote his one novel, The Star-Spangled Contract, a fictional treatment of his view of the JFK hit. That period ended in his successful campaign for a seat on the Louisiana court of appeal in 1977. He was inaugurated to a 10-year term in 1978 and reelected in 1987. He reached Louisiana's mandatory retirement age of 70 in November 1991.

During the latter '70s, meanwhile, the JFK case suddenly shot forward. Watergate and the resignation of President Nixon had already put the country in a mood to listen to conspiracy theories when Mafia boss Sam Giancana was shot down in his home on June 19, 1975, five days before he was to testify to a Senate

committee. On July 28, 1976, John Roselli was asphyxiated, dismembered and dumped in Miami's Dumfoundling Bay. Giancana and Roselli had both been deeply involved in the CIA-Mafia plots. The atmosphere created by these events persuaded 134 members of the House to sign on as sponsors of HR 1540 setting up the Select Committee on Assassinations.

Two years and \$8 million later, this committee reported its findings: that conspiracy was "probable" in the death of JFK and "likely" in the 1968 death of Martin Luther King, Jr. In neither case could the committee offer a solution.

But then came the Reagan years. The new Justice Department found the conspiracy evidence unconvincing and decided not to bother about it.

And there the case has stood for the past decade - "stuck," as Garrison says, "not for want of something to do but for want of a government with the will to do it."

But Garrison is not resigned.

"Who killed President Kennedy?" he demands, just as though he still expected an answer. "That question is not going to disappear, no matter what the government does or does not do. It may fade into the background sometimes, but something will always evoke it again, as Oliver's movie is about to do now. It's basic to who we are as a people. We can no more escape it than Hamlet

⁴⁵ Blakey and Billings, p. 391.

⁴⁵ Blakey and Billings, 388.

can escape his father's ghost."

But what can Hamlet do three decades later?

"There's a lot to do," snaps Garrison, "and since well over half the American people still gag on the lone-nut theory, there would appear to be a supportive constituency."

Garrison's program:

"First, open the files that the Warren Commission and the House committee classified secret until the year 2039.

"Second, declassify the House committee's so-called Lopez report, a 280-page document on Oswald's supposed trip to Mexico. Lopez himself has said he believes Oswald was set up. Why is this report still secret?

"Third, declassify all the files on Operation Mongoose and the CIA-Mafia murder plots. The Mongoose group seems to be at the center of the JFK conspiracy. We need to know every least detail about it.

"And, no, these steps will not crack the case, but they will help us understand it better, and we can move on from there."

Someone else who had put so much of his life into such a cause and who had been so often abused for his pains might find it a kind of defeat to have to settle for such small demands as these and to realize that, small as they are, they are almost certainly not going to be met.

But Garrison doesn't see it that way. "The fight itself has been a most worthy one," he says quietly. "Most people go through their lives without the opportunity to serve an important

cause. It's true that I've made some mistakes and had some setbacks. But who knows? To manhandle a line from the Rubaiyat: the moving finger has not stopped moving on yet. The full story's not in."

His smile becomes a beam. A light dances in his eyes.

"Clarence Darrow lost the Scopes trial," he says. "But who remembers that today?"

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Thornley was on the base for only two months as well as in a different area of the base testified that Oswald "never said subversive things . . . and he didn't show no (sic) particular aspects of being a sharpshooter at all".

Marine

Oswald and for a considerably longer time - went farther than that. To the government's undoubted discomfort he volunteered that Oswald had been terrible when it came to shooting a rifle on the range and had difficulty in meeting the minimum standard for qualifying. "It was a pretty big joke," Delgado testified, "because he got a lot of Maggie's drawers, you know, a lot of misses, but he didn't give a damn." Oswald, he added, "wasn't as enthusiastic as the rest of us. We all loved - liked, you know, going to the range."

The following colloquy reinforced Oswald's ineptness with a rifle:

Mr. Liebeler (the government's attorney): "You told the F.B.I. that in your opinion Oswald was not a good shot; is that correct?"

Mr. Delgado: "Yes."

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Mr. Liebeler: "And that he did not show any unusual interest in his rifle, and in fact appeared less interested in weapons than the average marine?"

Mr. Delgado: "Yes. He was mostly a thinker, a reader. He read a lot."*

At one point, the attorney switched away from Oswald's lack of proficiency as a rifleman, only to end up more deeply in the. mire.

Mr. Liebeler: "This FBI agent says that you told him that Oswald became so proficient in Spanish that Oswald would discuss

his ideas on socialism in Spanish."

* Because President Kennedy had been struck by more shots in six seconds than even a crack rifleman can fire, the evidence showing that Oswald could not hit the side of a barn presented a really insurmountable problem. Hit wer, most of the major news modia were anxious to please the government by supporting the Warren Commission's majestic fraud and eaperly competed to defile the murdered scapegoat. To them kennedy was dead period. How his nemoval had been accomplished was to them as irrelevant as he now was. What was relevant was pleasing the government, which still existed in full power.

A commentator on one network - in a television series lavishly urging popular acceptance of the succession of flagrant impossibilities in the official fairy tale - supplied the answer to the insurmountable problem for a national audience. "Oswald might not have been a good shot back in the Marines," he explained in a solemn network barifone, "but this time he was up for it. He was shooting at the President of the United States." This perceptive concept opens the possibility for an entirely new approach to rifle training for the military. The soldier who previously was nervous when he bried to line up his rifle on the immobile black circle of the paper target sheet now can relax as he zeros in his gun sight on a real, live four star general.

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Mr. Delgado: "He would discuss his ideas but not anything against our Government or -- nothing Socialist, mind you."

The government must have been exasperated because Delgado's testimony ended up with his interrogator attempting to show that the witness -- who had spoken Spanish all his life (and whose parents and wife were born in Puerto Rico) -- really couldn't speak Spanish very well.

Daniel Powers, who had served with Oswald at the Naval Air

Daniel Powers, who had served with Oswald at the Nával Air
Technical Center in Florida and Keesler Field in Mississippi and
El Toro Marine Base in California and in Japan understandably was
questioned closely about Oswald. The essence of his response is
summed up in the following colloquy:

Mr. Jenner: "Did he ever express any sympathy toward the Communist Party?"

Mr. Powers: "None that I recall."

Mr. Jenner: "Toward Communist principles?"

Mr. Powers: "None that I recall."

Mr. Jenner: "Or Marxist doctrines?"

Mr. Powers: "None that I recall. No, sir."

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The Warren Commission attorneys obtained the testimony of
John E. Donovan, who was a first lieutenant at El Toro when
Oswald was there. His testimony about Oswald's leftist leanings

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was explicit: "... I never heard him in any way, shape or form confess that he was a Communist, or that he ever thought about being a Communist." Thus, somewhat lamely to say the least, ended the effort to evoke testimony that Lee Oswald was a Communist. This was the result of the government's effort to show that Oswald was Communist oriented even back in his Marine days. However, these systematic refutations - most of them buried in affidavits - were never picked up by the news media.

Kerry Thornley's isolated testimony was.

Lieutenant Colonel Folsom was called to testify about blown when he described Oswald's having been given a Russian examination while still in the service (hardly a customary)

Donald Peter Camarata: "I have no recollection . . . of any remarks on his part concerning Communism, Russia or Cuba." Peter Francis Connor: "I never heard Oswald make any anti-American or pro-Communist statements. He claimed to be named after Robert E. Lee whom he characterized as the greatest man in history. "I Allen D. Graf: "Oswald never gave to me any indication of favoring Communism or opposing capitalism." John Rene Heindel: "Although I generally regarded Oswald as an intelligent person, I did not observe him to be particularly interested in politics or international affairs." Mack Osborne: "I do not recall any remarks on his part concerning Communism, Russia or Cuba." Richard Dennis Call: ". . . I do not recall Oswald's making serious remarks with regard to the Soviet Union or Cuba."

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^{*} Further support that Lee Oswald was not inclined toward Communism in the slightest degree surfaced virtually unanimously and was relegated to affidavits at the back of a separate volume from that containing what might be called Thornley's keynote testimony. Some examples follow.

test given to your basic soldier). His interrogator seems to have sensed the explosive potential of this information because he quickly added that oswald had answered about as many questions wrong as he had correctly. With regard to a Russian examination, D this is very much like saying that your dog is stupid because you can beat him playing oness three games out of five.

This slip about the Russian examination is the beginning of the evidence indicating that earlier Oswald had been selected for intelligence work. This is not surprising inasmuch as he possessed the characteristics looked for in recruiting such employees: he was from a military family (one brother in the Marines, one in the Air Force), he was very closemouthed by nature, he followed orders automatically and he was well above average in intelligence.* The other Marines around Oswald had acquired the impression that he had "taught himself" Russian, unaware that the government had taught him.

His having been picked for intelligence work while in the Marines is consistent with his assignment prior to the taking of the Russian examination at El Toro Marine Base in 1959. Previiously, he had served in the Pacific at Atsugi Air Base - the

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ultra-secret base for all of the daily super-secret U-2 flights

^{*}Oswald's Intelligence Quotient ("I.O.") was 118. This means that his intelligence had tested out, in approximate terms, as 18 points above the average I.O.

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- Orman

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over China and that part of Asia. Oswald's anti-aircraft unit, highly classified with regard to security, had the specific assignment of guarding a U-2 hangar and was surrounded by a high, heavily wired Page fence. Even the arrival of the daily mail truck required that it be preceded by a sergeant on foot, equipped with the password for the day. His service at Atsugi Air Base is probably best memorialized by two of the many Central Intelligence Agency documents concerning him which were classified as unavailable following the Warren Commission inquiry: CD 931 "Oswald's access to information about the U-2" and CD 692 "Reproduction of C.I.A. official dossier on Oswald."

Another indication of the peculiar security status which Oswald had acquired in the Marines has been well concealed from casual view. The island of Quemoy, just off the mainland of communist China, was occupied by the nationalist Chinese - allies of the United States - but was within shelling distance of the red Chinese. Periodically, a crisis surfaced when Quemoy was shelled and threatened by possible invasion from the mainland. During one of these occasions Oswald was assigned to duty on Quemoy - but the assignment apparently was of a high security classification because it was not indicated anywhere in his service record made available to the Warren Commission.

Army A

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This special mission was discovered later by a non-government investigator who undertook the laborious task of going through Oswald's payroll records and discovered the fact of his unlisted presence in Quemoy. Oswald was a trained specialist in radar and anti-aircraft operations and it would appear that this special assignment was in that connection. It is not known with any certitude, however, because the purpose of his special assignment has been kept secret.

(QUEMOY)

To that Lee Oswald received his discharge from the Marines. Within two weeks he surfaced in Moscow where he ostentatiously announced that he had "defected" from the United States and remained for 30 months before returning. What is important to keep in mind is that it was only at this time in Moscow that the scenario of Oswald as a "Communist" - later to be so advantageous in making him the scapegoat for the assassination - began.

However, the overwhelming weight of the evidence makes it clear that back in his Marine days - even while he was being taught Russian - he had not the slightest inclination towards Communism.

It is hard to avoid becoming curious about Kerry Thornley whose extravagant testimony differed so enormously from all the other Marines who served with Oswald. It mattered not how

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testimeny) Oswald's Marxist leanings".

curiously, New Delgado, who had lived not merely in the same barracks as Oswald but in the next room (Thornley had lived in a separate barracks elsewhere on the base) had no recollection whatever of any such leanings. Delgado -- who had lived next

* A few samples from the Kerry Thornley offering:

"And I replied I didn't think too much of Communism, in a favorable sense, and he said, 'Well, I think the best religion is Communism . . . "

". . definitely he thought that Communism was the best -that the Marxist morality was the most rational morality to
follow that he knew of. and that Communism was the best system
in the world. .."

"... I just thought, 'something is wrong with him...
maybe he is crazy, I don't know what'... he had a definite
tendency toward irrationality at times, an emotional instability.
."

And a sample colloquy with the Warren Commission counsel:

Mr. Thornley: "... he felt -- as did Marx -- that under capitalism workers are exploited, that in some way they are robbed of their full reward for their work by means of entrepreneurs' profits, and he felt that Marxism took his money but instead of taking it away from the worker spent it on the worker.

"He felt that under a Soviet -- under the present Soviet system, for example, that the money was spent for the benefit of the people rather than going to the individual who happened to be running the enterprise and he thought this was a juster situation."

Mr. Jenner: "Did you raise with him the price the individual had to pay for the material accommodation accorded the worker under the Communist system for the substance or money, of which you speak, being returned to the worker? The price paid in terms of individual liberty as against the capitalistic or democratic system?'

Mr. Thornley: "You couldn't say this to him . . . "1

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- As to the relationship of the Cabell brothers, see the Dallas Times Herald, Wednesday, May 26, 1971. As to General Charles P. Cabell, see "Who's Who in America," 1964-65, Vol. 33, p. 304, Marquis Publications, Chicago, Illinois. As to former Mayor (then Representative) Earle Cabell, see "Who's Who in the South and Southwest," 1969-70, 11th Edition, p. 159.
- General William Cabell was first elected Mayor in 1874 and was elected to a third term as Mayor in 1883. Dallas Times Herald, May 6, 1971.
- 10. Ben Cabell was elected Mayor in 1900 and served until 1904. See citation, fn. 9, supra.
- Earle Cabell was elected Mayor in 1961. See citation, fn. 9., supra.
- 12. Dallas Morning News, May 27, 1971.

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- 13. The deposition of Mayor Cabell was taken on July 13, 1964, by Leon D. Hubert, Jr., an assistant counsel of the Commission. WH VII, 476-485.
- 14. WH VII, 481-485.
- 15. As to the first 15 volumes, which contain testimony (both in deposition and appearance before the Commission), the absence of any reference to General Cabell can be determined from the index at the end of Volume 15, which index contains the names of persons referred to as well as persons testifying. The government did not make available an index for the last 10 volumes of exhibits (only a list, in the front of each volume, of the exhibits contained in that particular volume). In any case, anyone wishing to plow through the 10 exhibit volumes will encounter no mention of General Cabell. The same is true of the Report in which the members of the Commission summed up the "evidence" and their "findings."

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A private index was developed by Sylvia Meagher (see amended version, compiled with Gary Owens, The Scarecrow Press, Inc., Metuchen, N. J. & London, 1980). It also serves to reveal the absence of any mention of General Cabell in the Warren Report, Hearings and Exhibits.

16. With General Cabell the acting Director of the Agency (Dulles was in Puerto Rico) at the time of the disastrous attempted landing in Cuba, the brief encounter between the General and the President was hardly an auspicious contribution to the relationship between the two. To appreciate the scene, keep in mind that on Sunday evening, before the Cuban beach-head assault scheduled for dawn, President Kennedy had cancelled the air strike which the Agency had planned. He did this in accordance with his assurance to the press that, in the event of any invasion of Cuba, no American forces would be involved. However, the invading Cubans had been assured of air support by the C.I.A., "... promises had been made of a protection by an air 'umbrella' -- promises made with the name of the United States government attached." Wyden, op. cit., p. 203.

"By 4 A.M., pressure from his staff and his own brooding about the near certain fate of the Brigade ships triggered a visit from Cabell to Rusk's apartment at the Sheraton Park Hotel. This time the general asked for jet cover from the Essex during the unloading and withdrawal of the vessels.

"Rusk responded by awakening the President in Glen Ora. He did not transmit the general's request; he turned him over to the President directly. General Cabell offered Kennedy a series of air support options. All involved U. S. jets. There was not time left to fly in Brigade planes from Nicaragua, even if they had been up to the task of defending the ships against fighters, which they were not.

"The President did not comment but asked to talk to Rusk. The conversation was very brief. Rusk hung up, turned to Cabell, and said that all the requests were disapproved. Indeed, the President now asked that the carrier move farther out to sea and stay at least thrity miles off the coast. He was still living up to his press conference promise that no U. S. forces would become involved." Wyden, ibid, p. 205-206. See also: Arthur Schlesinger, A Thousand Days (Houghton Mifflin Company, Boston, The Riverside Press, Cambridge, 1965) p. 272.

- 17. (To be provided)
- 18. Allen Dulles and General Cabell were appointed Director and Deputy Director, respectively, of the C.I.A. by President Eisenhower in 1953. Dulles departed in the Autumn of 1961 and Cabell departed in January of 1962. See footnotes 3 and 4, supra.
- 19. Mosley, op. cit., pp. 57, 141-155, 268-273, 293-297, 472-473. See also the Appendix.
- David Lifton, <u>Document Addendum to the Warren Report</u> (Sightext Publications, El Segundo, California, 1968), p. 110.
- 21. Ibid.
- 22. Op. cit., fn. 18.
- 23. The Rockefeller Commission, See Appendix.
- 24. Mosley, op. cit., 477-478.
- 25. See WCE 3134, Vol. 26, pp. 812-817. Analysis after Oswald's death by Dr. Howard P. Rome, a senior consultant in psychiatry of the Mayo Clinic.
- 26. WH VIII, p. 2-3.
- 27. WH VII, p. 337.
- 28. WCE XXII, p. 617.
- 29. Senator Russell made his feelings a matter of common knowledge in frequent comments to the media. Representative Boggs informed the writer in the presence of others, of his belief that the Warren Commission had been mistaken in its conclusions.

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30. The George Gallup poll, published in the national press (date to the fixed).

- 32. Tom Wicker, LBJ and JFK (William Morrow and Co., New York, 1968) p. 205.
- 33. Mosley, op. cit., pp. 268-273; pp. 293-297.
- 34. David Lifton, Document Addendum to the Warren Report (Sightext Publications, El Segundo, California, 1968), p. 110.
- 35. Mosley, op. cit., p. 472-473.
- 36. In 1975, three groups were established to inquire into indications that the C.I.A. was operating domestically -- a Presidential commission, a Senate Committee and a House Committee. The Senate Committee, directed by Senator Frank Church, was by far the most active. It became clear soon enough that the C.I.A. had been more than merely dabbling domestically. To mention but one of its developments, it succeeded in bringing out the fact that for 20 years the Agency had been intercepting mail arriving in the U.S. from the Soviet Union in New York and three other cities. William R. Corson, The Armies of Ignorance (The Dial Press, James Wade, New York, 1977), p. 438.
- 37. Mosley, op. cit., p. 477-478.
- 38. See WCE 3134, Vol. 26, pp. 812-817. Analysis -- after Oswald's death -- by Dr. Howard P. Rome, a senior consultant in psychiatry of the Mayo Clinic.
- 39. WH VIII, p. 2-3.

- 40. WH VII, p. 337.
- 41. WCE XXII, p. 617. This photograph of the Dallas Morning News front page for Friday, November 22, 1963, shows the headline ("Storm of Political Controvery Swirls around Kennedy on Visit") and the corresponding news column on the left. The larger part of the front page, which featured a map showing that the motorcade would proceed along Main Street through Dealey Plaza, has been cut out and deleted.

Special Agent in Charge of the Chicago F.B.I. office and a member of Naval Intelligence in World War II - by being instructed to hand out pro-Castro leaflets in the streets of New Orleans and engage in other dissident antics.

Chia mu ch? Stop Jun -

The Lure of Louisiana

Kerry Thornley - the young man who would one day be the government's star witness against his former Marine friend - was a native of California, having gone to high school in Whittier and then to the University of Southern California. In January, 1961 - the month of President Kennedy's inauguration - he moved to New Orleans, Lee Oswald's hometown (prior to his moving to Fort Worth when in high school) where he was to remain for several years and the very place where Oswald would be returning to hand out inflammatory pro-Castro pamphlets in the summer before the assassination. 36

Oswald, meanwhile, was in the midst of his 30 month stay in Russia, an ostensible defector working in a radio factory in Minsk.* He would not be back in New Orleans until he arrived to

^{*}Minsk was one of six cities to which the Russians automatically sent defectors arriving from other countries. Whatever Oswald's assigned mission was, consequently, it was predictable in advance that the Soviets would assign him to one of these six cities.

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A COMRADE AT ARMS

"... the one thing we cannot tolerate much longer is the present charade, in which government, in the name of virtue with a pious face, continues to undermine society."

-Robert Nisbet, Prejudices

Portrait of a Marxist

The star witness testifying for the official fiction before the Warren Commission in 1964 was Kerry Thornley, who had served in the Marines with Lee Oswald back in 1959. He recalled at great length his Marine buddy back at El Toro Marine Base in southern California. The thrust of his testimony was how vehemently and inflexibly committed Oswald (at the age of 20 years) had been to Communism.

In fairness to the government's position, it should be kept in mind that it had the difficult problem of portraying Oswald as not merely an ordinary Communist but as a ferociously dedicated

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and irrational one. This was because over the years since the end of World War II the United States government already had pretty much overworked the menace of its long-time favorite monster: the great Communist conspiracy working away at America from within. As most Americans knew by the 1960's, about the only Communists left around in this country were undercover F.B.I. agents who, to keep from being lonely, compared notes with each other about the last Party meeting assuming that anyone else had attended.

Thornley's extended and dramatic testimony was presented to offset this awareness factor and to show that, notwithstanding, the scapegoat being made into the "lone assassin" indeed had been motivated by Marxist inclinations. In retrospect -- and in the light of evidence subsequently developed -- what the Thornley testimony really does is to provide even more unavoidable evidence of the involvement of the Intelligence Community in the assassination and the subsequent effort of the government to conceal this involvement from the American people -- and, indeed, the world at large.

In any event, Thornley was essential to the official scenario as he recalled in rich and abundant detail (for 33 pages of

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testimony) Oswald's Marxist leanings".*

Curiously, Nelson Delgado, who had lived not merely in the same barracks as Oswald but in the next room (Thornley had lived in a separate barracks elsewhere on the base) had no recollection whatever of any such leanings. ² Delgado -- who had lived next

* A few samples from the Kerry Thornley offering:

"And I replied I didn't think too much of Communism, in a favorable sense, and he said, 'Well, I think the best religion is Communism . . . '"

". . . definitely he thought that Communism was the best -that the Marxist morality was the most rational morality to
follow that he knew of. and that Communism was the best system
in the world. . ."

". . . I just thought, 'something is wrong with him. . . maybe he is crazy, I don't know what' . . . he had a definite tendency toward irrationality at times, an emotional instability.

And a sample colloquy with the Warren Commission counsel:

Mr. Thornley: "...he felt -- as did Marx -- that under capitalism workers are exploited, that in some way they are robbed of their full reward for their work by means of entrepreneurs' profits, and he felt that Marxism took his money but instead of taking it away from the worker spent it on the worker.

"He felt that under a Soviet -- under the present Soviet system, for example, that the money was spent for the benefit of the people rather than going to the individual who happened to be running the enterprise and he thought this was a juster situation."

Mr. Jenner: "Did you raise with him the price the individual had to pay for the material accommodation accorded the worker under the Communist system for the substance or money, of which you speak, being returned to the worker? The price paid in terms of individual liberty as against the capitalistic or democratic system?'

Mr. Thornley: "You couldn't say this to him . . . "1

door to Oswald for the better part of eleven months while Thornley was on the base for only two months as well as in a different area of the base 3 -- testified that Oswald "never said subversive things . . . and he didn't show no (sic) particular aspects of being a sharpshooter at all".4

In fact, Delgado - the man who had lived much closer to
Oswald and for a considerably longer time - went farther than
that. To the government's undoubted discomfort he volunteered
that Oswald had been terrible when it came to shooting a rifle on
the range and had difficulty in meeting the minimum standard for
qualifying. "It was a pretty big joke," Delgado testified,
"because he got a lot of Maggie's drawers, you know, a lot of
misses, but he didn't give a damn." Oswald, he added, "wasn't as
enthusiastic as the rest of us. We all loved - liked, you know,
going to the range." 5

The following colloquy reinforced Oswald's ineptness with a rifle:

Mr. Liebeler (the government's attorney): "You told the F.B.I. that in your opinion Oswald was not a good shot; is that correct?"

Mr. Delgado: "Yes."

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Mr. Liebeler: "And that he did not show any unusual interest in his rifle, and in fact appeared less interested in weapons than the average marine?"

Mr. Delgado: "Yes. He was mostly a thinker, a reader. He read a lot."*

At one point, the attorney switched away from Oswald's lack of proficiency as a rifleman, only to end up more deeply in the mire.

Mr. Liebeler: "This FBI agent says that you told him that
Oswald became so proficient in Spanish that Oswald would discuss
his ideas on socialism in Spanish."

^{*} Because President Kennedy had been struck by more shots in six seconds than even a crack rifleman can fire, the evidence showing that Oswald could not hit the side of a barn presented a really insurmountable problem. However, most of the major news media were anxious to please the government by supporting the Warren Commission's majestic fraud and eagerly competed to defile the murdered scapegoat. To them Kennedy was dead - period. How his removal had been accomplished was to them as irrelevant as he now was. What was relevant was pleasing the government, which still existed in full power.

A commentator on one network - in a television series lavishly urging popular acceptance of the succession of flagrant impossibilities in the official fairy tale - supplied the answer to the insurmountable problem for a national audience. "Oswald might not have been a good shot back in the Marines," he explained in a solemn network baritone, "but this time he was up for it. He was shooting at the President of the United States." This perceptive concept opens the possibility for an entirely new approach to rifle training for the military. The soldier who previously was nervous when he tried to line up his rifle on the immobile black circle of the paper target sheet now can relax as he zeros in his gun sight on a real, live four star general.

Mr. Delgado: "He would discuss his ideas but not anything against our Government or -- nothing Socialist, mind you." 7

The government must have been exasperated because Delgado's testimony ended up with his interrogator attempting to show that the witness -- who had spoken Spanish all his life (and whose parents and wife were born in Puerto Rico) -- really couldn't speak Spanish very well:

Daniel Powers, who had served with Oswald at the Naval Air
Technical Center in Florida and Keesler Field in Mississippi and
El Toro Marine Base in California and in Japan understandably was
questioned closely about Oswald. The essence of his response is
summed up in the following colloquy:

Mr. Jenner: "Did he ever express any sympathy toward the Communist Party?"

Mr. Powers: "None that I recall."

Mr. Jenner: "Toward Communist principles?"

Mr. Powers: "None that I recall."

Mr. Jenner: "Or Marxist doctrines?"

Mr. Powers: "None that I recall. No, sir."8

The Warren Commission attorneys obtained the testimony of John E. Donovan, who was a first lieutenant at El Toro when Oswald was there. His testimony about Oswald's leftist leanings

was explicit: "... I never heard him in any way, shape or form confess that he was a Communist, or that he ever thought about being a Communist." Thus, somewhat lamely to say the least, ended the effort to evoke testimony that Lee Oswald was a Communist. This was the result of the government's effort to show that Oswald was Communist oriented even back in his Marine days.* However, these systematic refutations - most of them buried in affidavits - were never picked up by the news media. Kerry Thornley's isolated testimony was.

Lieutenant Colonel Folsom was called to testify about Oswald's training records, but the whole ball game was nearly blown when he described Oswald's having been given a Russian examination while still in the service 16 (hardly a customary

^{*} Further support that Lee Oswald was not inclined toward Communism in the slightest degree surfaced virtually unanimously and was relegated to affidavits at the back of a separate volume from that containing what might be called Thornley's keynote testimony. Some examples follow.

Donald Peter Camarata: "I have no recollection . . . of any remarks on his part concerning Communism, Russia or Cuba." Peter Francis Connor: "I never heard Oswald make any anti-American or pro-Communist statements. He claimed to be named after Robert E. Lee whom he characterized as the greatest man in history. "Il Allen D. Graf: "Oswald never gave to me any indication of favoring Communism or opposing capitalism." John Rene Heindel: "Although I generally regarded Oswald as an intelligent person, I did not observe him to be particularly interested in politics or international affairs." Mack Osborne: "I do not recall any remarks on his part concerning Communism, Russia or Cuba." Richard Dennis Call: ". . I do not recall Oswald's making serious remarks with regard to the Soviet Union or Cuba."

test given to your basic soldier). His interrogator seems to have sensed the explosive potential of this information because he quickly added that Oswald had answered about as many questions wrong as he had correctly. With regard to a Russian examination, this is very much like saying that your dog is stupid because you can beat him playing chess three games out of five.

This slip about the Russian examination is the beginning of the evidence indicating that earlier Oswald had been selected for intelligence work. This is not surprising inasmuch as he possessed the characteristics looked for in recruiting such employees: he was from a military family (one brother in the Marines, one in the Air Force), he was very closemouthed by nature, he followed orders automatically and he was well above average in intelligence.* The other Marines around Oswald had acquired the impression that he had "taught himself" Russian, unaware that the government had taught him.

His having been picked for intelligence work while in the Marines is consistent with his assignment prior to the taking of the Russian examination at El Toro Marine Base in 1959. Previously, he had served in the Pacific at Atsugi Air Base - the ultra-secret base for all of the daily super-secret U-2 flights

^{*}Oswald's Intelligence Quotient ("I.Q.") was 118. This means that his intelligence had tested out, in approximate terms, as 18 points above the average I.Q.

C 1984 Jim Garrison

ROUND UP THE USUAL SUSPECTS

Who killed JFK? There are as many theories as theorists. These are the classics.

SUSPECT: Khrushchev

SPONSOR

LBJ? Earl Warren? Michael Eddowes, some rightwingers.

SCENARIO

KGB recruits Oswald to make the hit

MOTIVE

Retaliation for setback in October Missile Crisis

STRONGPOINT

Explains the Warren cover-up since the truth meant war against USSR

DRAWBACK

Would the KGB trust Oswald? Would USSR risk war to promote LBJ?

SUSPECT: Castro

SPONSOR

LBJ? Earl Warren? Jack Anderson

SCENARIO

Castro recruits Oswald to hit JFK

MOTIVE

Retaliation for CIA attempts against Cuban leaders

STRONGPOINT

Explains the Warren cover-up since the truth meant war against a Soviet protectorate

DRAWBACK

Castro liked JFK, disliked LBJ, had no access to Oswald, faced destruction if caught

SUSPECT: The Mafia

SPONSOR

Assassinations Committee, G. Robert Blakey, John H. Davis, David Scheim

SCENARIO

Mafia recruits Oswald, maybe also a second "nut"

MOTIVE

Stop JFK's anti-crime campaign

STRONGPOINT

Many Mafia threats against JFK are on record; LBJ was softer on crime

DRAWBACK

Mafia had more expert hitmen than Oswald; could not have insured cover-up

SUSPECT: A Secret Team

SPONSOR

Jim Garrison, Fletcher Prouty, most Warren critics such as M. Lane, R. Grodon, D. Lifton, J. Marrs, P. Melanson, P.D. Scott

SCENARIO

Disaffected U.S. agents form "Enterprise"-type cabal, set up Oswald as patsy, plant false clues pointing to Cuba, USSR, Mafia

MOTIVE

JFK was soft on Communism, was losing the Cold War

STRONGPOINT

Explains internal control of investigation, frame-up of Oswald

DRAWBACK

Can never to proved until government is willing to risk its own legitimacy

ROUND UP THE USUAL SUSPECTS

Who killed JFK?
There are as many theories as theorists.
These are the classics.

Suspects Khrushchev Castro The Mafia The Secret Team

Sponsor

Scenario

Motive

Drawback

Strongpoint

8/24/91

Dear firm
It was great to hear you sounding so good this morning. Keep at that medicine!

The enclosed version of the piece is probably pretty close to what will finally get printed. I think the need to cut it in some respects almost ruthlessly has made it much better.

I certainly look forward to consulting with you again when I get around to the RFK and MLK projects.

But I know I'll see you well before then. Meanwhile, keep the faith.

Fondly, Carl

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THE CLESS

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